

paragraph (b) only on the vehicle's age (in years).

(c) *Components covered.* The emission-related warranty must cover components whose failure would increase an engine's emissions, including electronic controls, fuel injection (for liquid or gaseous fuels), exhaust-gas recirculation, aftertreatment, or any other system you develop to control emissions. We generally consider replacing or repairing other components to be the owner's responsibility.

(d) *Scheduled maintenance.* You may schedule emission-related maintenance for a component named in paragraph (c) of this section, subject to the restrictions of § 1051.125. You are not required to cover this scheduled maintenance under your warranty if the component meets either of the following criteria:

(1) The component was in general use on similar engines, and was subject to scheduled maintenance, before January 1, 2000.

(2) Failure of the component would clearly degrade the engine's performance enough that the operator would need to repair or replace it.

(e) *Limited applicability.* You may deny warranty claims under this section if the operator caused the problem, as described in 1068.115 of this chapter. You may ask us to allow you to exclude from your emission-related warranty certified vehicles that have been used significantly for competition, especially certified motorcycles that meet at least four of the criteria in § 1051.620(b)(1).

(f) *Aftermarket parts.* As noted in § 1068.101 of this chapter, it is a violation of the Act to manufacture a vehicle part if one of its main effects is to reduce the effectiveness of the vehicle's emission controls. If you make an aftermarket part, you may—but do not have to—certify that using the part will still allow engines to meet emission standards, as described in § 85.2114 of this chapter.

§ 1051.125 What maintenance instructions must I give to buyers?

Give the ultimate buyer of each new vehicle written instructions for properly maintaining and using the vehicle, including the emission-control system.

The maintenance instructions also apply to service accumulation on your test vehicles or engines, as described in 40 CFR part 1065, subpart E.

(a) *Critical emission-related maintenance.* Critical emission-related maintenance includes any adjustment, cleaning, repair, or replacement of air-induction, fuel-system, or ignition components, aftertreatment devices, pulse-air valves, exhaust gas recirculation systems, crankcase ventilation valves, sensors, or electronic control units. This may also include any other component whose only purpose is to reduce emissions or whose failure will increase emissions without significantly degrading engine performance. You may schedule critical emission-related maintenance on these components if you meet the following conditions:

(1) You may ask us to approve critical emission-related maintenance only if it meets two criteria:

(i) Operators are reasonably likely to do the maintenance you call for.

(ii) Vehicles need the maintenance to meet emission standards.

(2) We will accept scheduled maintenance as reasonably likely to occur in use if you satisfy any of four conditions:

(i) You present data showing that, if a lack of maintenance increases emissions, it also unacceptably degrades the vehicle's performance.

(ii) You present survey data showing that 80 percent of vehicles in the field get the maintenance you specify at the recommended intervals.

(iii) You provide the maintenance free of charge and clearly say so in maintenance instructions for the customer.

(iv) You otherwise show us that the maintenance is reasonably likely to be done at the recommended intervals.

(3) You may not schedule critical emission-related maintenance within the minimum useful life period for aftertreatment devices, pulse-air valves, fuel injectors, oxygen sensors, electronic control units, superchargers, or turbochargers.

(b) *Recommended additional maintenance.* You may recommend, but not require, any additional amount of maintenance on the components listed

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in paragraph (a) of this section. However, you must make it clear that these maintenance steps are not necessary to keep the emission-related warranty valid. If operators do the maintenance specified in paragraph (a) of this section, but not the recommended additional maintenance, this does not allow you to disqualify them from in-use testing or deny a warranty claim.

(c) *Special maintenance.* You may specify more frequent maintenance to address problems related to special situations such as substandard fuel or atypical engine operation. You may not perform this special maintenance during service accumulation or durability testing.

(d) *Noncritical emission-related maintenance.* For engine parts not listed in paragraph (a) of this section, you may schedule any amount of emission-related inspection or maintenance. But you must state clearly that these steps are not necessary to keep the emission-related warranty valid. Also, do not take these inspection or maintenance steps during service accumulation on your test vehicles or engines.

(e) *Maintenance that is not emission-related.* For maintenance unrelated to emission controls, you may schedule any amount of inspection or maintenance. You may also take these inspection or maintenance steps during service accumulation on your test vehicles or engines. This might include adding engine oil or adjusting chain tension, clutch position, or tire pressure.

(f) *Source of parts and repairs.* Print clearly on the first page of your written maintenance instructions that any repair shop or person may maintain, replace, or repair emission-control devices and systems. Your instructions may not require any component or service identified by brand, trade, or corporate name. Also, do not directly or indirectly condition your warranty on a requirement that the vehicle be serviced by your franchised dealers or any other service establishments with which you have a commercial relationship. You may disregard the requirements in this paragraph (f) if you do one of two things:

(1) Provide a component or service without charge under the purchase agreement.

(2) Get us to waive this prohibition in the public's interest by convincing us the vehicle will work properly only with the identified component or service.

EFFECTIVE DATE NOTE: At 69 FR 39529, June 29, 2004, §1051.125 was amended by revising paragraph (a) introductory text and paragraph (d), effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 1051.125 What maintenance instructions must I give to buyers?

(a) *Critical emission-related maintenance.* Critical emission-related maintenance includes any adjustment, cleaning, repair, or replacement of critical emission-related components. This may also include additional emission-related maintenance that you determine is critical if we approve it in advance. You may schedule critical emission-related maintenance on these components if you meet the following conditions:

* * * * *

(d) *Noncritical emission-related maintenance.* You may schedule any amount of emission-related inspection or maintenance that is not covered by paragraph (a) of this section, as long as you state in the owners manual that these steps are not necessary to keep the emission-related warranty valid. If operators fail to do this maintenance, this does not allow you to disqualify those engines from in-use testing or deny a warranty claim. Do not take these inspection or maintenance steps during service accumulation on your emission-data engines.

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§ 1051.130 What installation instructions must I give to vehicle manufacturers?

(a) If you sell an engine for someone else to install in a recreational vehicle, give the engine buyer written instructions for installing it consistent with the requirements of this part. Include all information necessary to ensure that engines installed this way will meet emission standards.

(b) These instructions must have the following information:

(1) Include the heading: "Emission-related installation instructions".

(2) State: "Failing to follow these instructions when installing a certified